HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT APPEAL NO. 1242 OF 2006

Between:

K. Nusrath-U-Zohara

..... Appellant

AND

The State of Andhra Pradesh
Rep. by its Principal Secretary,
Health, Medical, Family Welfare Department,
Hyderabad & others

.....Respondents

:: J U D G M E N T ::

Counsel for the appellant : Shri M.N. Narasimha Reddy

Dated: 27.11.2006

Per G.S.SINGHVI, CJ

This appeal is directed against order dated 24.10.2006 passed by the learned Single Judge whereby she dismissed Writ Petition No.17311 of 2006 filed by the appellant and declined her prayer for issue of a mandamus to respondent Nos. 3 and 4 to admit her in first year of M.B.B.S. course in the session 2006-2007 under the Un-aided Minority Professional Institutions (Regulation of Admissions into Under-graduate Medical and Dental Professional Courses) Rules, 2006.

We have heard Shri M.N. Narasimha Reddy, learned counsel for the appellant who argued that even though the cut-off date specified in the judgments of the Supreme Court including the Constitutional Bench judgment in **Mridul Dhar v. Union of India**[1] and the guidelines issued by the Medical Council of India has gone-by and none of the candidates who was admitted against B-category seats was impleaded as party to the writ petition, the Court should pronounce on the legality of the procedure adopted by the management of respondent Nos. 3 and 4 in making admission against B-category seats.

Though appears attractive, the submission of the learned counsel cannot be accepted because it is settled law that in exercise of power under Article 226 of the Constitution of India, the High Court will not pronounce on academics.

The appellant's prayer for issue of a mandamus to respondent Nos. 3 and 4 to admit her against B category seat cannot be granted at this stage in view of the guidelines issued by

Medical Council of India and the judgment of the Supreme Court in **Mridul Dhar v. Union of India** (supra).

For the reason stated above, the appeal is dismissed.

However, it is made clear that if the appellant has any grievance against the methodology adopted by the official as well as non-official respondents in making admissions in future, then she shall be free to challenge the same and the order passed by the learned Single Judge shall not operate as a bar to such challenge.

As a sequel to dismissal of the writ appeal, W.A.M.P.No.2589 of 2006 filed by the appellant for interim relief is also dismissed.

G.S.SINGHVI, CJ

C.V.

NAGARJUNA REDDY, J

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27.11.2006

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[1] (2005) 2 SCC 65